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Repository Citation

Kimmel, L. (1984). Commentary: Advertising in arcadia. *Business and Professional Ethics Journal*, 3(3/4), 159-169. doi:10.5840/bpej198433/432

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Commentary

Lawrence D. Kimmel

Advertising in Arcadia

There is not a long history of censorship in philosophy, but where it does occur it receives memorable note, as in the case of Plato's *Republic*. And there, as elsewhere, I often find I am in sympathy, if not agreement, concerning the problem, but utterly opposed to the offered solution.

In the paper I wish to review, Paine takes the very strong position that "child advertising" is in its very conception an offense—and that its continuance is both economically exploitative and morally corruptive of children. Although she is careful to separate her concerns as moral rather than legal or political, she issues the imperative: we must cease and desist directing advertising to children. There is much worth considering in her paper, however I will limit my response to the logic of the two cases she presents against the morality of children's advertising. She regards these as two different kinds and venues of criticism and more or less divides the paper along two lines, giving less attention to the second part—"basic ethical principles"—than to the first part—a "specialized principle of business."

I will argue that although her concerns have merit, Paine's arguments against children's advertising do not hold; moreover, that they give way at their very center. That being so, her recommendations to abandon children's advertising does not hold, and some other solution (or terms of argument) must be found. I will review one option.

Finally, I argue for a different understanding of morality—of its point and profit—which I hope will show that, as is often the case, things are not all as bad for children as would first appear when adults try to see through children's eyes.

I

There are a series of questions to be asked about this project as a whole, the first and most important of which is whether and under what conditions we are to regard media advertising directed to children as a moral issue *at all*.

The concern of Paine's paper has not to do with any detail or specific case, or indeed any general substantive issue in which one could compare the advertising practices of one company or network with those of another. The issue for Paine—the moral issue—is this: any advertisement directed to children is morally objectionable on two counts, on the grounds (1) that it violates certain basic ethical principles and (2) that it runs counter to the rule of moral justification in business, the principle of

consumer sovereignty. Although she argues both cases, she invests the greater effort on the latter.

The basic ethical principles to which Paine alludes are those which “require veracity, fairness, and respect, and the principle against causing harm.” These principles were all cited in Federal Trade Commission proceedings between 1978 and 1980 during public hearings on the commission’s proposal to ban televised advertising directed to children. The author regards this expressed public concern as indicative—and perhaps definitive—of a moral problematic, and she concludes that “children’s television advertising has had a history of arousing people’s ethical sensibilities.” There are usually a variety of kinds of concern that may be attributable to the general public and parents in such cases, but here it will be enough to mark the author’s own warning concerning the authority of such reference: “public opinion regarding children’s advertising is a measure neither of its ethical value nor of the propriety of the FTC’s actions.” I would only add: nor is it definitive of what constitutes a moral issue. I want thus to keep it an open question whether we are confronted with a moral question simply in virtue of the existence of advertising directed to children. I will argue in what follows that the author does not make a case in the arguments she gives for *prima facie* grounds against advertising directed to children, that there is no presumptive moral issue *per se*, and that under quite ordinary and legitimate views of morality and ethical practice there may be reasons in favor of advertising directed to children.

Paine’s second kind of objection to the (moral) legitimacy of child advertising focuses on the internal principle of consumer sovereignty:

This is the principle that consumer desires should be the touchstone for designing an economic system. The free market’s efficiency in satisfying consumer desires has traditionally been a source of its moral justification . . . a free market leads to the greatest satisfaction of consumer preferences at the least cost, and thus results in the most efficient allocation of economic resources.

The author points out that business interests may appeal to this idea in specific cases and so try to justify a practice by invoking consumer satisfaction or consumer demand. It is the author’s view that this “principle widely recognized in the business world” provides ground for “a somewhat different case against children’s advertising.”

The key to Paine’s argument in the first of her two cases is that advertising is morally justified under this business sanction of market efficiency if and only if consumers themselves are knowledgeable about products and their prices. Her claim, however, is sweeping and does indeed go to the heart of the matter: that child-oriented advertising diminishes consumer satisfaction. This argument, at least as it is presented in Paine’s paper, is not persuasive. It depends on her development of a version of how children’s advertising works. In turn she contrasts this claim with the avowed (general) purpose of advertising (as expressed in a current textbook on marketing), which defines advertising activity directed to prospective *buyers*. Such a designation seems to

leave children out of consideration, of course. In the case of children's advertising, as the author correctly points out, quite often the desire for the product and the decision to buy lie within different individuals.

While this exception is not a unique situation in advertising, it is a significant concern and doubtlessly one of which the business interest is aware. The obvious question, relevant to Paine's thesis, is: *who is the consumer here?* Only after answering this question can we have some measure concerning the test of satisfaction, and so of market efficiency and of the justification of advertising practice. This in turn would provide the critic of children's advertising with a moral index and reference in questions of public policy. Paine sides in the end with the textbook definition, and although she makes allowances for the problems of ambiguity of reference, she regards the proper designation of consumer as "buyer"—that is, as parent.

It may be helpful here to suggest a distinction the author does not make, but one which may prove useful to understanding whether or what moral issue is involved. There is, surely, one very good reason to regard the child as consumer, in ways appropriate to the advertiser and manufacturer. The child is finally the *user*, whoever may buy the product. Moreover, the child's *wants* and *needs* are surely relevant not only to the producer (hence advertiser) but to the buyer-parent. The child, however immature and lacking in critical discrimination—concerning which Paine's emphasis is mostly right—is surely one essential factor in the determination of demand satisfaction and as such must be part of the calculus in figuring market efficiency.

Thus we do indeed have something of a dilemma: the child is in an ordinary and crucial sense the consumer to be satisfied, both with respect to her desires and the degree to which the product satisfies those desires, but on the other hand we can hardly regard her as an autonomous agent, either in the sense of mature discriminatory judgment or as buyer. This is, by the way, a dilemma for all the parties involved in the transactions and should not simply be attributed to the advertiser. The child is presented with products that generate desire, but has the relative awareness that she cannot directly control possession. The parent is confronted, as provider, with demands shaped by the child's desire but not accompanied by discriminatory judgment.

We should perhaps note here what Paine does not—that this situation is a common one for parents in dealing with their children and is not at all limited to either media or market; moreover, no parent would for reasons of this inconvenience be advised to prefer the child to have no desires! Surely the rule is and must be with parenting: that reasonable requests are preferred, but nonreasonable ones are welcome if the alternative is the absence of desires or the preclusion of their expression. The rule in developmental psychology, no less than in an open society and free economy, is that desires openly expressed can be both monitored and corrected and in this way lead to growth and maturity. On the other hand, where desires are simply repressed or their expression stifled, the occasion for public disclosure and learning is lost, never mind the sorts of distortions of values that occur in the denial of desire itself.

Finally, then, we must face the dilemma faced by child advertising under Paine's rule of justification through consumer satisfaction: who is to be considered the consumer here, and how are we to determine either the effectiveness or justification of advertising? The child is "consumer" on one reading, the parent on the other. But under the rule of consumer autonomy and market efficiency, which Paine has set as one pillar of moral appraisal, we will need some effective determination both for who is "consumer" and for what will count as "satisfaction."

The one constant would seem to be, simply and of course, sales: actual purchase. Surely consumer behavior is the most obvious and dependable measure of consumer satisfaction. Under this objective criterion, child advertising is morally justified to the degree of consumer satisfaction as measured by consumer behavior—i.e., sales. We might wish to add some quantitative dimension to ensure the adequacy of this criterion since the issue is one of moral not merely market justification; for example, we may specify sales over some period of time adequate to assure genuine satisfaction.

It is at this juncture the author makes what I believe is a disqualifying move in her analysis, one which seems to call into question the whole of her enterprise. Having introduced a means of cashing out the question of moral legitimacy of a practice in the seemingly objective terms of consumer satisfaction, she then asserts that the market itself cannot be consulted as an index "since the market responds to consumer behavior and not to actual consumer satisfaction"(!). But what then? And can we have any assurances the measure suggested is other than a subjective and self-serving one? The author makes the following argument. In terms of an efficient market, we must mean by "consumer satisfaction" satisfaction with *the product* itself, by *the buyer*. She cites studies that claim that parents typically buy for child -satisfaction rather than product-satisfaction reasons; hence, it is her claim that consumer behavior is not here an index of consumer satisfaction. Indeed, her conclusion is that encouragement of such a view will:

contribute ultimately to the misallocation of resources. Resources that would otherwise be utilized to produce goods of greater value[?] to consumers[?] will be channeled into the production of less desirable[?] goods, diminishing the welfare[?] of many consumers as well as of companies that would flourish within a more efficient[?] market

My editorial question-markers only suggest the point at which independent and arguably subjective and moralistic factors intrude into what was before a fairly straightforward appeal to consumer autonomy. Under Paine's revision, that test, in my view, is no longer one which will carry conviction, certainly not as it is ordinarily and sensibly understood in the context initially cited by the author herself—as arising out of the "venerable heritage" of the tradition of Adam Smith and centering in the business sector model of economic justification.

Perhaps at this point I should simplify the logic of what I take to be a legitimate concern of the author in connection with this same principle as a test of moral

justification. Paine has argued that children's advertising treats the child as if she were autonomous, and to the degree to which she is not it therefore constitutes exploitation and is morally objectionable as an economic practice. Although the author does not put the matter in just this neat or spare fashion, she does spend much space in citing (convincing) evidence attesting to the lack of "autonomous consumer judgment" on the part of the child, which seems to be center of her intuition that there is something morally amiss in the practice of targeting children as a consumer market. This is the initial strength of her moral position. Unfortunately, I believe her analysis does not sustain this position, indeed serves if anything only to confuse it.

The following reconstruction seems a reasonable clarification. The principle of consumer autonomy can function as a rule of moral justification only where the consumer is in fact autonomous. It is an obvious corollary that where the consumer is not autonomous—as in the case of children—the rule cannot apply: *either way*. The advertiser cannot cite consumer behavior—i.e., market success—as a moral justification. But neither does it make good sense for a critic of such practice to take up opposition in terms of the rule. It could be said that Paine relies on this distinction and so could point out that the consumer proper cannot be the child and must be the parent, i.e., the purchaser, and so it would follow that advertising—again properly—must be directed to the parent and not to the child. This is her claim, but not her logic. The problem is, however, that one could, by pressing the logic of the case even further, suggest that the parent is not autonomous either—since neither the desire of appeal nor the status of user-satisfaction is hers. The result of my analysis suggests either that the rule does not apply and that we must seek a different one for justification in the case of children's advertising, or (the absurd option) that there exists no consumer of children's products or advertisements and no satisfaction to be measured!

I have tried to suggest that Paine's basic intuition that something is problematic and perhaps amiss in the area of media advertising directed to children is credible. Nor do I wish to leave the impression that her writing on the "business fork" of her two-phase analysis is reducible to a simple *reductio ad absurdum*. My task has been to show the vulnerable core of the argument, but there is much else that merits attention and positive regard.

II

The major portion of Paine's argument concerned what I have called the business fork; however, there remains for critical review the other, "more properly ethical" side, which raises the question of whether children's advertising violates certain basic ethical principles. The principles Paine considers are veracity, fairness, and prohibiting harmful conduct.

Perhaps I can best begin this section by confessing that I do not share Paine's sense of the "fork"—the disjunction between what she calls "the more specialized (business) norms" and "the more general ethical principles." The disjunction is the

more confusing by virtue of the following introduction to the final section: “Unlike more general ethical principles, like the principle of veracity, the principle of consumer sovereignty applies in the specialized area of business.” This implies that the principle of veracity does not apply in the specialized area of business! Not only is this false; such claim would seem to displace if not defeat Paine’s analysis of these “general ethical principles,” which follows on the heels of this introduction.

I rather believe—and indeed the substance of Paine’s remarks seem to agree, the above disclaimer notwithstanding—that these principles are not independent of business practice and policy. I would argue, further, that they are constituting factors of its continuance. It is not helpful to regard business as a specialized area—as it most assuredly is not. Nor is it possible to conceive or examine the viability of ethical principles independently of their practical ground in human affairs.

Indeed, Paine’s own remarks attest to this conviction. In the concluding remarks to the first part of her paper, Paine summarized her view of the proper role of advertising as being in essence that of moral education:

In order for the market to fulfill its potential as an efficient allocator of resources . . . advertisers ought to [do this by] avoiding advertising to children; by providing truthful product information; by not encouraging unrealistic product expectations ... by encouraging responsible consumer behavior....

This makes it rather plain that issues of veracity, fairness, and the prohibition of harm are very much a part of the business enterprise, even as conceived by Paine.

I would represent the general tenor of Paine’s remarks in both sections of the paper, taking the key from the first fork as follows: *Let the viewer beware—except in the case of children*, who have not the skills even to understand the warning should it be given them and hence must be protected from exploitation by media advertising. Further, since there may be no ground for legal or political sanction, we must bring the weight of moral suasion to bear to effect and assure discontinuance of child advertising

I believe it is not advisable, or even possible, to separate the questions of business practice from those of basic ethical principles: where our concern is human activity and community we are fundamentally involved in a mutual sector. It is, I think, Paine’s sense of the disjunction and breach of domain and analysis that allows her in this last section to go seriously off course in ways I can only suggest in the following citation, which more or less speaks for itself:

The fact that children’s advertising benefits advertisers while at the same time nourishing false beliefs, unreasonable expectations, and irresponsible consumer desires among children calls into play principles of fairness and respect.

What is here presented as “fact” in a distressingly general context of allegation is that children’s advertising is not only commercial exploitation of the innocent, but at the

same time a source of moral corruption. Paine continues this sweeping general commentary by quoting with favor: “As expressed by Michael Pertschuk, former chairman of the FTC, advertisers ‘seize on the child’s trust and exploit it as weakness for their gain.’”

Even though I found myself in opposition to the logic and argument of the first section of Paine’s paper, I was ever appreciative of the carefulness of her remarks. Such care is not in evidence in the second part. The “properly moral” general questions of basic ethical principles seem to have generated alarm out of tone and temper with her preceding analysis.

I believe I can best serve a critical understanding of the moral concern of Paine’s remarks in this section if once again I offer an alternative view of what is at stake ethically in directing advertising to children. To the extent I can surmise a basis for Paine’s ethical position, it seems to be this: invoking Kant’s second formulation of the categorical imperative, Paine states that children are to be treated by advertisers in accord with this principle. Her complaint is that “in failing to respect children’s limitations as consumers, advertisers are not treating children as ‘ends in themselves.’” I take her conclusion and the moral import of her position to be that in so doing the advertiser (*en masse*? *prima facie*?) fails to meet the most fundamental of requirements for ethical character and conduct.

In response, there are two remarks to be made initially. Paine has not cited the whole of Kant’s rule, but only the first part of it. Kant’s rule does not require that anyone (presumably including children) must be treated *only* as ends. His formulation is this: “One must treat all persons as ends, *and never as means only*.” The requirement, in other words, does not prohibit treating anyone in a way which is profitable—that is, as a means to one’s own ends. It does not, in short and of course, prohibit business or the general commerce of human life and community. Thus questions of the morality of children’s advertising must be answered in the context of the particular case and cannot be dismissed *perforce*, as is made clear by the inclusion of the second clause of Kant’s principle.

Paine’s reading of Kant can be put in this way: children must be treated as children and not as adults; to the degree children are treated as targets for advertising, they are being regarded as adults, and therefore are being morally maltreated. This reading, however, serves to put not the practice or results of children’s advertising into moral suspicion, but rather categorizes the very process or proposal itself to be morally reprehensible. Under her reading and application of Kant to the issue at hand, children’s advertising is a category of immorality. In other words, one need not look to any substantive questions, or any examples, or investigate any detail or any given case—it is decided prior to any case that the practice of children’s advertising is in principle and categorically (i.e., necessarily, certainly, and without exception) immoral.

I believe this is, though drawn out perhaps too crudely, Paine’s position. It is not, then, surprising that her posture morally is to protect the child categorically from this conceived exploitation and moral violation by advertising. Even though we may

go ahead and examine advertising under the three moral principles cited, the conclusion is already given and will follow a recommendation of protective morality for children.

Thus, for example, under the principle of veracity, advertising directed to children must be tested on the rule of the strength of the advertiser's devotion to truth. It is instructive to consider what this would entail for the advertiser, just in terms of what Paine herself has given: it would involve knowledge of and presumably cognitive compensation for "the child's tendency to confuse fantasy and reality," for her "propensity for indiscriminate trust," and for her "unreasonably optimistic beliefs about promised satisfaction," etc., etc.

Clearly this is a considerable if not impossible burden just in the research necessary to make educated guesses about the cognitive growth and developmental capacities of the average child viewer. And what about the other nonaverage or different-aged viewer? Is advertising to such viewers, too, under the rubric of moral responsibility for the advertiser? I do not for a moment wish to deny that there is a special concern about the viewing habits and abilities of children. I wish only to stress the obvious: there must be some way to specify fulfillment of this concern, some standards that are in principle and practice realizable. I want only to raise, in the interest of both legitimacy and effectiveness, a moral point of order.

The second principle to be considered, fairness, has already been covered under the Kantian point above. The pervasive consequence of Paine's analysis of that principle can hardly be minimized, in its moral preclusion of child advertising:

But even showing that children "understand" advertising in all these ways would not demonstrate that children have the consumer capacities that would make it fair to advertise to them. The critical questions are not whether children can distinguish commercial characters from program characters, or even whether they recognize persuasive intent, but whether they have the concepts of self, time, and money [which Paine has adduced evidence to show they have not] that would make it possible for them to make considered consumer decisions about the products they see advertised.

I do not here wish to take up the question of whether "the child" (*which* child? at what age? in what environment? under what family, social, economic, educational conditions? under what supervision or lack of it?—all vital questions of detail dismissed as irrelevant under Paine's "a priori" scheme) has or does not have "a concept of self, time, and money" sufficient **to** make consumer decisions. I want to point out only that it *is* a question of *relative sufficiency*, surely, and not the categorical absence of such concepts, which is critical for deciding this issue morally. But this matter may be answered by addressing the final category of moral concern to Paine, that of harm. Paine begins her remarks:

The harmful effects of children's advertising are thought to include the parent-child conflicts generated by parental refusals to buy requested products, the unhappiness children suffer when advertising-induced expectations of product performance are disappointed, and unhappiness experienced by

children exposed to commercials portraying life-styles more affluent than their own.

This passage can almost pass without comment; it is a clear indication of the moral impasse if not the moral morass into which Paine's paper and analysis have passed. These remarks are indeed scarcely credible. If such experience constitutes "harm" to be categorically avoided, then please notice this would make it immoral to be poor or to live under a budget that acknowledges scarcity of resources, would make it immoral to be a parent in that sometimes it must be inevitable to come into conflict with your child, would make it immoral to allow children to visit museums or travel or perhaps even cross the street or enter another house for fear they might be subjected to a more affluent life-style.

I will not further belabor what I hope is obvious—under such a scheme of harm, under such a notion of a hostile world, it is not clear that we could undertake education of children. The background depicted in the second part of Paine's paper is a static and threatening universe from which at all costs the child must be protected. But is ours such a world? Surely not, and even if such were our world, it would not justify the position Paine advocates. For if the child is to be protected from such "harm," how is the child to become a man or woman? Adults do not simply happen: children must grow.

In the final analysis Paine has presented us with a moral universe and a conception of morality that is static and that must be rejected both as unrealistic and as dysfunctional, as preventing the very development of what she regards as imperative: to be fully autonomous and hence to be an adult. There is reason to believe that the logic of her conception of morality is such that the very thing she wishes to protect for the child is the thing that will destroy its possibility.

There is an alternative view of morality, one which I believe is the common one, the description of which can be called "developmental ethics." Although Aristotle is the classical paradigm of this view, it can be made out as well in the philosophy of Kant in his concepts of "Practical Reason" and "moral autonomy." What I believe is missing in Paine's account is a sense of the developmental process of moral character and autonomy (as well as of consumer knowledge and critical judgment). Such states and rites of passage mark the progress from childhood to youth and adulthood. Some of the stages are more extreme, the passage more difficult and the arrival more abrupt than others; nonetheless such is the route and such the price of the journey. From this perspective one can interpret very differently this talk of "harm" and so take a very different view of the need to protect children at all cost. For example, children's demands in terms of their desires (both those met and those refused) are centrally the occasion in which they learn about relative worth and cost, long- and short-term values, saving and deciding, earning and sharing, etc. Further, *moral* learning must be *in terms* of and on the occasion of one's own desires, not those of the parents. This sort of learning requires assimilation of the point into character, disposition, and judgment. Thus is autonomy formed.

I do not regard it as the role of advertising to confront the above justificatory task, or as having a responsibility to effect moral learning; nor do I believe that advertising should be defended in terms of this process. I mean only to say the obvious, that the business of media advertising in a consumer society can rationally presume to operate within such a context—and hence not burden itself or be burdened by its critics with the total moral responsibility of restricting its activity to only those markets (or audiences) that are independently (and by whom?) determined to be fully “autonomous” in terms of their group consumer knowledge, critical acuity, and economic independence. Once again the alternative seems incredulous to the point of absurdity.

What I am advocating is hardly novel, indeed the reverse: the normal is normative. It is wholly unreasonable to generate a special burden for advertising of the above sort, *unless* such advertising can be shown to be corrupting *in fact*—e.g., in cases where it induces or instructs children to violate them, or to bring about harm or damage to character, person, or property in ways that can be demonstrated and in actual comparison with others that serve as paradigms—rather than precluding the whole of this process because it falls short of conceived ideals. In short, what the critic requires is some actual context of comparison, in which morality has a clear instance in cultural life.

Even under such conditions where we can make a case for the corrupting influence of some particular piece of advertising, even then I will argue that there is a need to review the whole spectrum of moral agency and responsibility—of producer, distributor, advertiser, investor, etc. Such a review should include the genuine responsibility of public and parent and not neglect the degree of autonomy, hence responsibility, of the child. Further, such a developmental approach to ethics must provide a clear conception or scheme for distributional responsibility directed toward practical and effective action.

Final Remarks

In our concern to protect children from those very ills we believe contaminate our adult lives, we can be misled into a moral posture that will make our children defenseless against these ills, imagined and real. We must not too quickly develop a negative and protective posture about morality. We *in fact* live in a challenging open society with a competitive and aggressively free market. Our society has developed alongside this a dynamic moral pragmatism that serves well the open concept of a free society. There are ills and perhaps evils attendant on this as any other system. There are occasions and grounds on which to call certain practices and policies into moral question. Paine gives evidence of current and continuing public concern about children’s media advertising and certain arguments and recommendations that favor its discontinuance. I have provided what I hope are self-recommending reasons to keep an open mind and policy with respect to such concerns. From a moral point of view there is much to be gained by acceptance of both the natural conditions requisite to growth

and moral autonomy and the social and cultural conditions that in actual fact structure the developmental character and vitality of the individual and community.

Children constitute the single most valuable resource of any community. For such reason alone it is imperative that the community as a whole attend to the growth and development of that resource. Paine is right to focus our concerns here; it remains only to see how best to manage what we commonly conceive to be our common charge.